

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 14-33928-H4-7
	§	
PLASTIC TECHNICS, INC.	§	(Chapter 7)
	§	
Debtor.	§	

**TRUSTEE’S MOTION FOR APPROVAL OF SALE OF PERSONAL PROPERTY
FREE AND CLEAR OF LIENS AND CLAIMS UNDER 11 U.S.C. § 363
BY PUBLIC AUCTION AND APPLICATION TO EMPLOY AUCTIONEER**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JEFF BOHM, CHIEF UNITED STATES BANKRUPTCY JUDGE:

Allison D. Byman, Chapter 7 Trustee for the Estate of Plastic Technics, Inc. (the “Trustee”), files this Motion for Approval of Sale of Personal Property Free and Clear of Liens and Claims Under 11 U.S.C. § 363 by Public Auction and Application to Employ Auctioneer (the “Motion”).

Nature of the Request

1. The Trustee seeks approval for the public sale of the Estate’s equipment, tools and vehicles (the “Personal Property”) free and clear of all liens, claims, interests and encumbrances. The Trustee also seeks authority to employ and compensate Webster’s Auction Palace as set forth below to conduct the sale.

Brief Factual Background

2. On July 16, 2014, the Debtor filed for Chapter 7 bankruptcy protection. Allison D. Byman was appointed Chapter 7 Trustee.

3. The Bankruptcy Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. §§ 105, 362 and 363.

4. The estate consists, in part, of two forklifts, a utility trailer and light duty Toyota truck, vehicles and saws, cutting tools and various other shop tools used in the Debtor's fabrication and sales facility located at 310 Richey Rd. Suite 1, Houston, TX 77090. The Debtor scheduled the value of the Personal Property as \$35,199.00. The Trustee is relying on the representations of ownership and encumbrances made by the Debtor in its schedules filed July 16, 2014 at Docket No. 1.

5. The Trustee believes that a public sale by an auctioneer with expertise in selling small tools and equipment is the best means for liquidating the Personal Property in a prompt and economic fashion. The Trustee has selected Webster's Auction Palace to market and sell the Personal Property.

6. Webster's Auction Palace seeks to sell the Personal Property on or after October 19, 2014 at 1:00 PM. Webster's Auction Palace seeks to charge the estate of Plastic Technics a 15% commission for the sale of the Personal Property. A 10% buyers premium will also be assessed to the sale of the Personal Property. Webster's Auction Palace intends to recoup the expenses incurred in connection with recovery and transportation of the Personal Property, not to exceed \$2,500.00.

Requested Relief and Authority

7. **Sale of Personal Property.** The Trustee requests that the Court approve the public sale of the Personal Property free and clear of all liens, claims interests and

encumbrances. All sales shall be on an “as is, where is” basis without any warranties or representations of any kind or nature whatsoever, whether express or implied, including any warranty or representation concerning the condition, merchantability, or fitness for any purpose.

8. The Trustee believes that a public sale is the best available method to obtain market value for the Personal Property and is the least expensive and most efficient. The Trustee also believes that the proposed sale is in the best interest of the Estate’s creditors.

9. **Employment of Auctioneer.** As stated above, Webster’s Auction Palace seeks to sell the Personal Property on or after October 19, 2014. Webster’s Auction Palace seeks to charge the estate of Plastic Technics a 15% commission for the sale of the Personal Property. A 10% buyers’ premium will also be assessed to the sale of the Personal Property. Webster’s Auction Palace intends to recoup the expenses incurred in connection with recovery and transportation of the Personal Property, not to exceed \$2,500.00.

10. This pleading is supported by the affidavit of William D. Webster of Webster’s Auction Palace, the proposed auctioneer. The affidavit is attached hereto as **Exhibit A**, and is hereby incorporated by reference for all purposes. Except as disclosed in the accompanying affidavit, Webster’s Auction Palace has no other connection with the Debtor, its creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

11. In her business judgment, the Trustee believes that employment of Webster’s Auction Palace is in the best interest of the estate.

WHEREFORE PREMISES CONSIDERED, the Trustee requests that the Court (i) approve the public sale of the Personal Property free and clear of all liens, claims, interests and encumbrances; (ii) authorize the Trustee to execute all documents necessary to effectuate the sale; (iii) authorize the employment of and payment to Webster's Auction Palace as set forth above; (iv) order that all sales proceeds, less amounts authorized to be paid hereunder, be delivered to the Trustee at the conclusion of the sale; and (v) grant such further relief as is just.

Date: September 26, 2014

/s/ Allison D. Byman*

Allison D. Byman, Trustee
SBN: 24040773
Three Allen Center
333 Clay St., Suite 3300
Houston, TX 77002
(713) 759.0818 Telephone
(713) 759-6834 Facsimile
adb@hwa.com

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September 2014, a true and correct copy of the foregoing Motion for Approval of Sale of Personal Property Free and Clear of Liens and Claims Under 11 U.S.C. § 363 by Public Auction and Application to Employ Auctioneer was served on all creditors and Parties Requesting Notice as set forth on the "Service List" attached hereto either electronically by the Court's ECF system or by first class mail, postage prepaid.

/s/ Allison D. Byman*

Allison D. Byman

** Signed with permission*